

Massachusetts Water Resources Commission Meeting Minutes for June 11, 1998

Commission Members in Attendance:

Peter Webber	Commissioner, Department of Environmental Management
Mark P. Smith	Designee, Secretary of Environmental Affairs
Arleen O'Donnell	Designee, Department of Environmental Protection
Marilyn Contreas	Designee, Department of Housing and Community Development
Lee Corte-Real	Designee, Department of Food and Agriculture
Joseph E. Pelczarski	Designee, Massachusetts Coastal Zone Management
Karen Pelto	Designee, Department of Fisheries, Wildlife, and Environmental Law Enforcement
Jeffrey Kapell	Public Member
Francis J. Veale, Jr.	Public Member

Others in Attendance:

Mike Gildesgame	DEM, OWR
Vicki Gartland	DEM, OWR
Michele Drury	DEM, OWR
Nina Danforth	DEM, OWR
Ellen Gugel	EOEA
Dave Terry	DEP DWP
Lealdon Langley	DEP DWP
Nicola A. Barletta	Rockport Selectman
Alan Boulter	Rockport Ad Hoc Water Committee
John Bassett	Rockport Citizen
Rhonda Pogodzienski	Metcalf & Eddy
Jennifer Doyle-Breen	Metcalf & Eddy
H.G. Lanastroth	Metcalf & Eddy
Jonathan Yeo	MWRA Waterworks
Michele Cobban Barden	Neponset River Watershed Association
Jessica Noonan	Neponset River Watershed Association
Vandana Rao	Neponset River Watershed Association

Agenda Item #1: Executive Director's Report

Mark P. Smith briefed WRC members on the following items:

MEPA Regulations. The public comment period closed in May, and the final regulations are expected to be promulgated by the end of June. The groundwater withdrawal threshold (1.5 mgd) is causing concern in the water supply community. An analysis of the DEP database on the number of wells with withdrawals over this threshold found only 17, about 8 percent of the number of wells permitted statewide since the late 1980s. Water suppliers have suggested that the threshold be increased to 2.0 or 2.5 mgd, but environmentalists already feel that 1.5 mgd is a compromise. Smith said that 2.5 mgd would be essentially meaningless since there are almost no

wells of that magnitude and 2.0 catches extremely few. As currently proposed, the regulations require an ENF at 100,000 gpd and an EIR for 1.5 mgd. A possibility in the new regulations is to require a single EIR rather than both a draft and final. Credit for regional or watershed plans is also a possibility.

Northeast Watershed Roundtable Part II. The second full meeting of the Roundtable will be in Northfield on July 10 and 11 and includes representatives from around New England. The first meeting was held a year ago. Smith distributed agendas to WRC members.

Agenda Item #2: Vote: Adoption of WRC meeting minutes of May 21, 1998

Michele Drury proposed a number of changes and clarifications to Agenda Item #6 (North Reading sewerage proposals) in the minutes. She read the changes and they were recorded. Smith asked that the minutes be rewritten with the changes and redistributed to Commission members for a vote next month.

Agenda Item #3: Vote: Rockport water supply issues

Vicki Gartland reviewed this project's status for Commission members, in particular she noted that:

- The Commission was asked to get involved in this case to help resolve a streamflow discrepancy between two sources that differed on recommended minimum streamflow for the North Coastal basin: 0.23 cfs in the North Coastal basin plan and 0.05 cfs in the MEPA certificate.
- Three streams are under consideration for diversion: Mill Brook, Squam Road Brook, and Saw Mill Brook; all are intermittent.
- There exists evidence of eels in the streams.
- There is a lack of information on both streamflow and water demand.
- Rockport's master meters had been found to be uncalibrated.

Staff from DEM/OWR, U.S. Fish and Wildlife Service, the Department of Fisheries and Wildlife, the Town of Rockport, and DEP met to develop a recommendation for Rockport that will both meet the current demand and satisfy environmental needs.

Some conditions in the recommendation include developing a drought management plan, monitoring streamflow, gathering two additional years water use data for demand projections (since the master meters have been recalibrated), developing and implementing a conservation plan, and protecting current and potential water sources. An additional requirement concerns the Mill Brook site which is in a wetland: it should either be moved downstream or a monitoring and mitigation plan be put in place.

At the last WRC meeting, several members raised the issue of timing regarding the conditions and the WMA permit schedule. The drought management plan and the conservation plans are required before the WMA permit is issued. Another question regarding the Mill Brook site in a wetland has been addressed in Recommendation #7.

Nick Barletta of Rockport told the Commission that plans for monitoring on all three brooks is underway. He asked if the design work for Flat Ledge Quarry Dam can proceed now. Smith said the only issue being addressed today is streamflow. He said the town would need to determine about other permits if any would be needed to proceed.

Langley asked Gartland if his staff could use Rockport's service meter information at the end of 1998 to generate a water needs forecast. She responded that two full years of data will have been collected as of January 1999. Normally, OWR staff requires three years of data to use as a base demand to make projections. She said it is possible that interim projections could be made based on two years of data in this case. The town would like demand forecasts so that it may proceed with the WMA permit application.

A question was raised on coordinating the WMA permitting process with the wetlands permitting process and any remaining permits that must be submitted. Rockport and their consultants plan to submit all permit applications by August 1. The last piece of information they had been waiting on was the streamflow recommendation from this group.

Corte-Real moved with a second by Contreas:

**TO ADOPT THE STREAMFLOW RECOMMENDATIONS AS
PRESENTED IN THE STAFF MEMO OF JUNE 3, 1998.**

The Commission voted unanimously to accept the recommendations.

It should be noted that Peter Webber was not present at the meeting until after this agenda item was complete. Mike Gildesgame represented DEM in Webber's absence.

Agenda Item #4: WRC policy: Discussion of performance standards

Smith reported on the progress of the work groups on performance standards for interbasin transfers. There are two work groups: one for water supply and one for wastewater. Smith reported that while the work groups have mainly worked on a consensus basis thus far, the groups were formed to provide input to staff and are not being asked to reach consensus on every point. He said that a broader public review will be necessary. The recommendations are divided into three parts: (1) performance standards; (2) system requirements; (3) how to ensure that communities continue to meet the standards and requirements. Smith distributed a copy of a letter that Gary Clayton, a public member of this Commission, wrote to fellow Commission members since he could not be at today's meeting. Clayton urges the Commission to be strict in enforcing the Interbasin Transfer Act requirements for conservation.

Interbasin Transfers of Water for Water Supply Smith noted that guidance will need to be developed for water suppliers to implement the new standards and requirements. The work group has discussed the possibility of phasing in the new standards and requirements.

Performance Standards O'Donnell urged the performance standards be as performance-based as possible with numerical standards rather than being prescriptive in nature. Other comments on the specific standards by Commission members and others in attendance included:

- Quarterly billing could present an implementation problem for some communities and may not be a performance-based requirement
- An increasing block rate structure may not necessarily be the best way to achieve conservation; in a place such as the Cape, a seasonal surcharge may be more appropriate
- It may not be reasonable to include capital costs in a full cost pricing scheme, but pricing should cover all operating and maintenance costs of the system
- Requiring a drought management bylaw may be too narrowly prescriptive; this requirement should allow ordinances, local regulations, or any mechanism that achieves the same result
- Requiring an independent evaluation may be too prescriptive, as there may be other ways to validate a community's performance and system efficiency
- Wellhead protection should be included in the new requirements

Drury said that the new performance standards and system efficiency requirements will be realigned with the regulations when they are closer to being finalized.

It was noted that all performance standards were viewed as "presumptions", meaning that an applicant may seek to rebut them during the process.

A number of Commission members expressed the importance of judging interbasin transfers by a higher standard than ordinary withdrawals. However, they also expressed a reluctance to demand compliance with higher standards before an application could be accepted when requiring them as conditions of approval to be met on a future schedule might be reasonable and achieve the desired level of resource protection.

System Efficiency Requirements Members discussed separating industrial usage from residential usage. Frank Veale asked if TURA could be used to require industrial users to report their water usage. Discussion followed but no consensus emerged.

There was disagreement on the unaccounted for water (UAW) requirement. Some think it should be 10 percent and others say 15 percent. Jonathan Yeo of MWRA called 10 percent "unreasonable" and would like to see 10 percent as a goal rather than a requirement. He said that older urban systems will not be able to comply. Perhaps making 10 percent a condition to be met over time as part of application approval is reasonable for some communities.

Additional Measures A conservation plan with goals for UAW and residential gallons per day usage would be required as part of the Water Resources Management Plan.

Interbasin Transfers of Wastewater

Performance Standards Webber commented on the nature of requiring plans versus implementation. He thought that the annual reporting requirement would be more applicable as a

condition of approval rather than a requirement for acceptance. He suggests an Operation and Maintenance Plan should be implemented, not just approved.

System Efficiency Requirements Unfortunately, the work group could find no national or regional standard for inflow and infiltration (I/I). However, the group converged on requiring no more than 4,000 gallons per day per inch diameter mile for infiltration as a starting point. Again, members thought this might not be required for an application to be accepted, but may be a reasonable condition of approval. Smith asked Commission members to help if they knew of any standards for II. The second meeting of the wastewater work group is set for Monday, June 15.

Additional Measures O'Donnell suggested that requiring stormwater management plans as mitigation should make a distinction between new or additional discharges versus existing discharges. If the latter were included, this could be a huge cost item for municipalities.

Water Resources Management Plans

This requirement is already in the regulations, but the work group is attempting to develop more definition and guidance for these plans. Plans will include how to meet future demand and how to protect natural resources. Recently, the WRC has only required applicants to complete a WMA permit application and water conservation questionnaire.

Webber would like model plans made available to municipalities. He asks what the required geographical scope of the plans is to be: just the municipality or the entire watershed? Commission members agreed it should include the area of potential environmental impact.

Smith thought there were currently no good models, although Gildesgame and Drury noted the existence of old plans. Perhaps the towns' existing master plans and/or open space plans contain the basis of is needed in a water resources management plan.

Other issues brought up included: Should the plans be required prior to application acceptance? Who will review the plans? The plans should be linked to the MEPA process and the conservation plans.

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Meeting minutes approved 8/13/98

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